

NICOLA T. HANNA  
United States Attorney  
BENJAMIN R. BARRON  
Assistant United States Attorney  
Chief, Santa Ana Branch Office  
CHARLES E. PELL (Cal. Bar No. 210309)  
Assistant United States Attorney  
Santa Ana Branch Office  
United States Courthouse  
411 West Fourth Street, Suite 8000  
Santa Ana, California 92701  
Telephone: (714) 338-3542  
Facsimile: (714) 338-3561  
E-mail: [charles.e.pell2@usdoj.gov](mailto:charles.e.pell2@usdoj.gov)

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARGARET QUICK,

Defendant.

No. SA CR 18-000243-PSG

[PROPOSED] ORDER CONTINUING  
TRIAL DATE AND FINDINGS REGARDING  
EXCLUDABLE TIME PERIODS PURSUANT  
TO SPEEDY TRIAL ACT

**NEW TRIAL DATE:** 01/\_\_/2021

**NEW S/C DATE:** 01/\_\_/2021

The Court has read and considered the Stipulation Regarding Request for (1) Continuance of Trial Date and (2) Findings of Excludable Time Periods Pursuant to Speedy Trial Act, filed by the parties in this matter, as well as the Central District of California's General Orders Nos. 20-02 and 20-03 In Re: Coronavirus Public Emergency. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that support a continuance of the trial date in this matter, and provides good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

1       The Court further finds that: (i) the ends of justice served by  
2 the continuance outweigh the best interest of the public and  
3 defendant in a speedy trial; (ii) failure to grant the continuance  
4 would be likely to make a continuation of the proceeding impossible,  
5 or result in a miscarriage of justice; iii) the case is so unusual  
6 and so complex, due to the nature of the prosecution and the  
7 existence of novel questions of fact or law, that it is unreasonable  
8 to expect preparation for pre-trial proceedings or for the trial  
9 itself within the time limits established by the Speedy Trial Act;  
10 and (iv) failure to grant the continuance would unreasonably deny  
11 defendant continuity of counsel and would deny defense counsel the  
12 reasonable time necessary for effective preparation, taking into  
13 account the exercise of due diligence.

14       The Court also hereby FINDS AS FOLLOWS:

15       1. On March 13, 2020, following the President's declaration  
16 of a national emergency in response to COVID-19, the Court entered a  
17 General Order suspending jury selection and jury trials scheduled to  
18 begin before April 13, 2020. C.D. Cal. General Order No. 20-02, In  
19 Re: Coronavirus Public Emergency, Order Concerning Jury Trials and  
20 Other Proceedings (Mar. 13, 2020). The Court most recently renewed  
21 that suspension, until a "date to be determined," on August 6, 2020.  
22 C.D. Cal. General Order No. 20-09, In Re: Coronavirus Public  
23 Emergency, Further Order Concerning Jury Trials and Other  
24 Proceedings (Aug. 6, 2020).

25       2. Also on March 13, 2020, the Court imposed health- and  
26 travel-related limitations on access to Court facilities. C.D. Cal.  
27 General Order No. 20-03, In Re: Coronavirus Public Emergency, Order  
28 Concerning Access to Court Facilities (March 13, 2020). On March

19, 2020, by Order of the Chief Judge, the Court instituted its Continuity of Operations Plan ("COOP"), closing all Central District of California courthouses to the public (except for hearings on criminal duty matters) and taking other emergency actions. C.D. Cal. Order of the Chief Judge No. 20-042 (March 19, 2020). On March 29 and 31, recognizing COVID-19's continued spread in the community, the Court took further action: implementing video-teleconference and telephonic hearings and suspending all grand-jury proceedings. C.D. Cal. Orders of the Chief Judge Nos. 20-043 (March 29, 2020) and 20-044 (March 31, 2020). The Court's most recent General Order maintains court facilities' general closure to the public; however, it allows in-person criminal hearings for defendants who do not consent to remote appearance, and it allows up to 10 members of the public to attend. General Order No. 20-09, at 2-3 (August 6, 2020).

3. These orders were imposed based on (1) the California Governor's declaration of a public-health emergency in response to the spread of COVID-19, as well as (2) the Centers for Disease Control's advice regarding reducing the possibility of exposure to the virus and slowing the spread of the disease. See, e.g., General Order 20-02, at 1.

4. Local and state governments have adopted similar policies. On March 19, 2020, both Los Angeles Mayor Eric Garcetti and California Governor Gavin Newsom issued emergency orders requiring residents to "stay home," subject to limited exceptions. California Executive Order N-33-20 (March 19, 2020); accord Safer at Home, Public Order Under City of Los Angeles Emergency Authority ¶ 1 (March 19, 2020). Subject to similarly limited exceptions, all travel was prohibited. Safer At Home ¶ 4. Non-essential businesses

1 requiring in-person attendance by workers were ordered to cease  
2 operations. Id. ¶ 2. All schools in the Los Angeles Unified School  
3 District remain closed to in-person classes.

4 5. Given the grave public-health concerns discussed in  
5 General Orders 20-02 through 20-09, and given the facts set forth in  
6 the government's Motion (which the Court incorporates fully by  
7 reference here), the ends of justice served by the continuance  
8 outweigh the best interest of the public and defendant in a speedy  
9 trial.

10 6. Failure to grant the continuance would likely make a  
11 continuation of the proceeding impossible or result in a miscarriage  
12 of justice.

13 7. Failure to continue this case would also likely put  
14 parties, witnesses, jurors, counsel, and court personnel at  
15 unnecessary risk.

16 8. Due to the restrictions imposed by current public-health  
17 concerns, it is also unreasonable to expect adequate preparation for  
18 pretrial proceedings or for the trial itself within the Speedy Trial  
19 Act time limits. Thus, denial of a continuance is likely to deny  
20 all counsel reasonable time necessary for effective preparation,  
21 taking into account the exercise of due diligence.

22 9. The continuance is not based on congestion of the Court's  
23 calendar, lack of diligent preparation on the part of the attorney  
24 for the government or the defense, or failure on the part of the  
25 attorney for the government to obtain available witnesses.

26 Accordingly, the Court finds that there are facts that support  
27 a continuance of the trial date in this matter, and there is good  
28 cause for a finding of excludable time pursuant to the Speedy Trial

1 Act, 18 U.S.C. § 3161.

2 THEREFORE, FOR GOOD CAUSE SHOWN:

3 1. The trial in this matter is continued from October 27,  
4 2020, to January \_\_, 2021. The status conference hearing is  
5 continued to January \_\_, 2021, at \_\_\_\_\_.m.

6 2. The time period of October 27, 2020, to January 26, 2021,  
7 inclusive, is excluded in computing the time within which the trial  
8 must commence, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i),  
9 and (h)(7)(B)(iv).

10 3. Defendant shall appear in Courtroom 6A of the Federal  
11 Courthouse, 350 W. 1st Street, Los Angeles, California, pursuant to  
12 the newly-scheduled dates and times.

13 4. Nothing in this Order shall preclude a finding that other  
14 provisions of the Speedy Trial Act dictate that additional time  
15 periods are excluded from the period within which trial must  
16 commence. Moreover, the same provisions and/or other provisions of  
17 the Speedy Trial Act may in the future authorize the exclusion of  
18 additional time periods from the period within which trial must  
19 commence.

20 IT IS SO ORDERED.

21  
22 \_\_\_\_\_  
DATE

23 \_\_\_\_\_  
HONORABLE PHILIP S. GUTIERREZ  
CHIEF UNITED STATES DISTRICT JUDGE